

# ***NEWS RELEASE***

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## ***OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA San Diego, California***

***United States Attorney  
Karen P. Hewitt***

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***For Immediate Release***

### **FEDERAL JURY CONVICTS TWO IN COLD CASE MURDER TRIAL**

**NEWS RELEASE SUMMARY** - June 10, 2008

San Diego, CA - United States Attorney Karen P. Hewitt announced that today a federal jury in San Diego found brothers David Scaggs and Leonard Scaggs guilty of First Degree Murder on the 32<sup>nd</sup> Street Naval Station, which is within the territorial or special maritime jurisdiction of the United States.

According to Assistant U.S. Attorneys Paul S. Cook and Fred Sheppard, who prosecuted the case, the evidence at trial established that on January 16, 1993, David Scaggs, Leonard Scaggs and two others drove to the 32<sup>nd</sup> Street Naval Station with the intention of committing a robbery. They positioned themselves near the automatic teller machine (ATM) and watched as Mark Anthon Smith, a sailor stationed at 32<sup>nd</sup> Street, withdrew \$80.00 from the ATM. They then followed Smith as he walked away, confronted him in the parking lot and knocked him to the ground. They demanded money from him at gunpoint; when Smith denied that he had any money, David Scaggs shot Smith with a .32 caliber semi-automatic pistol and grabbed

Smith's wallet and ran away. The bullet passed through Smith's left hand and into his chest; he died of his wound.

United States Attorney Hewitt noted that this case was a cold case homicide that was jointly investigated by the Cold Case Homicide Unit of the San Diego County District Attorney's Office and the Cold Case Homicide Team of the San Diego Police Department. The Naval Criminal Investigative Service also assisted in the investigation.

The defendants are scheduled to appear for sentencing before United States District Judge John A. Houston on September 15, 2008 at 2:00 p.m. A third defendant, Maurice Overton, pled guilty in January 2007 to First Degree Murder and is awaiting sentencing.

**DEFENDANTS**

**Case Number 06cr0206JAH**

David Scaggs, a.k.a. Sly

In custody

Leonard Scaggs, a.k.a. Ricky

In custody

**SUMMARY OF CHARGES**

Title 18, United States Code, Section 1111 - First Degree Murder

Title 18, United States Code, Section 2 - Aiding and Abetting

**AGENCIES**

Cold Case Homicide Unit of the San Diego County District Attorney's Office

Cold Case Homicide Team of the San Diego Police Department

Naval Criminal Investigative Service